

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2516 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHIRAG EDUCATION TRUST

Versus

DY SECRETARY, EDUCATION DEPTT. G'NAGAR & ORS.

Appearance:

MR JD AJMERA for Petitioner

MR NN PANDYA for Respondent No. 1 and 2

None present for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/07/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. Challenge is made by the petitioner to the order of the respondent no.1 dated 30th April, 1984 and the order of the respondent no.2 dated 6-7-1983. The petitioner applied for the registration of the school with effect from June, 1983. Under the impugned orders, the registration was declined. The prayer has been made that the respondent

may be directed to treat the students of the petitioner school who have studied in Std. VIII in the academic year 1983-84 as legal and valid. Interim relief has prayed for that pending admission, hearing and final disposal of this petition, this Hon'ble court may be pleased to issue an ad interim injunction restraining the respondents from in any manner treating the petitioner school as unregistered school. This Court on 22nd May, 1984 granted the interim relief which reads as under:

`Petitioner is permitted to admit new students to class VIII and IX pending admission.'

On 27th September, 1984, rule was issued and the interim relief granted by this Court was ordered to be continued. In view of the fact, that the interim relief as prayed for has been granted, nothing survives in this Sp. Civil Application. The petitioner was granted the final relief at the stage of interim relief. The students who have been admitted to class VIII and IX, by now must have passed out those classes. It is not the case of the petitioner that subsequently the registration was not granted. This Sp. Civil Application is disposed of in terms of the interim relief. Rule is made absolute accordingly in the aforesaid terms. No order as to costs. However, the decision of this court will not mean that the petitioner has been granted the registration for the subsequent years.
